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In re Application of Kia SILVERBROOK
Application No.: 10/510,092
PCT No.: PCT/AU02/01061
Int. Filing Date: 06 August 2002
Priority Date: 17 June 2002
Attorney Docket No.: MJ85US
For: NOZZLE GUARD FOR A PRINthead

DECISION ON PETITION

This decision is issued in response to applicant's "Request for Refund" filed on 16 August 2006. The request for refund under 37 CFR 1.26 is **GRANTED**.

37 CFR 1.26 provides, in part: (a) Any fee paid by actual mistake or in excess of that required will be refunded . . .

Applicant requests a refund of any additionally filing fees. On 05 October 2005, applicant submitted a check in the amount of \$1080 (\$1040 for the basic national fee and \$40 for filing an assignment) and a request for entry into the national stage in the United States. As stated in the previous decisions, effective 08 December 2004, the national stage filing fees were changed in accordance with the Consolidation Appropriations Act (2005). Thus, the \$1080 check should have been applied as followed: \$300 for the basic national fee, \$500 for the national stage search fee, \$200 for the national stage examination fee; and \$40 for filing an assignment. Hence, applicant is entitled to a refund of \$40.

Additionally, applicant requests a refund of the petition to revive fee paid submitted on 30 May 2006. The petition to revive was dismissed as moot in a "Decision on Petition" dated 13 June 2006, therefore, applicant is entitled to a refund of \$1530.

A refund check will be issued in due course. Thereafter, the application will be referred to GAU 2853 for further processing.

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